

REMARKS

Applicant submits that the present amendment is fully responsive to the Office Action dated August 24, 2007 and, thus, the application is in condition for allowance.

By this reply, no claims are amended. Claims 4-22 remain pending. Of these, claims 4, 7, 11, 14 and 20 are independent. An expedited review and allowance of the application is respectfully requested.

In the outstanding Office Actions, claims 4-22 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-39 of copending application number 10/833,412. Although it is deemed that the conflicting claims are not identical, they are not deemed to be patentably distinct from each other because the limitations of claims 4-22 are broad and encompassed by the limitations of claims 1-39 of the copending application. Thus, it is concluded, that it would have been obvious to one having ordinary skill in the art to implement the invention of the instant application as defined by claims 4-22 in order to facilitate a means for an efficient process to provide the network with subscriber identity via a SIM. Applicant respectfully traverses.

The copending application relates to different subject matter than that of the presently pending claims, which is drawn to a network identifying mechanism based on SIM-generated information and messages. The copending application does not even claim material related to such device and method. Thus, there can be no overlap and thus no double patenting of claims. However, for sake of expediting the prosecution of this application, a terminal disclaimer is enclosed along with this correspondence to render the present rejection as moot.

In the outstanding Office Actions, claims 4-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Vuorista (USPN 6,603,969) in view of Mills (USPN 5,915,225). It is

asserted that the Vuorista recites substantially the same invention as the present invention as recited in the present claims but for “detailing wherein information is received from the SIM and transmitted to the network.” It is further alleged that Mills teaches this deficiency, and therefore it would have been obvious to one having ordinary skill in the art to combine the references to obviate the present invention as recited in the pending claims. Applicant respectfully traverses.

Vuorista is completely different from the present invention and does not anticipate, obviate or provide any suggestions or motivations that could be used to obviate the present invention as recited in the pending claims. For example, Vuorista does not disclose any device which contains an active SIM that receives and transmits, produces and discerns information relating to the device and environment. In contrast, the SIM disclosed in Vuorista retains a passive role to be referred to by the device for passive and static information. See col. 11, lines 33-67. The present invention contemplates, recites and claims an active SIM. Such active SIM role has been recited in the claims. See, for example, claims 4, 7, 11, 14 and 20. Support for such SIM function can be found through the present disclosure as originally filed, including, for example, Figure 4 and elsewhere. Thus, there is no way that Vuorista may be used to anticipate or obviate the present invention as recited in the pending claims. The rejection should then be withdrawn and the application allowed to issue. This deficiency is not obviated if Vuorista is attempted to be combined with Mills. Mills does not disclose the same problem, nor does it resolve the same problem. Thus, there is no motivation to combine Vuorista with Mills other than through Applicant’s own disclosure. This improper hindsight cannot be used to maintain an obviousness rejection.

A TWO (2) month extension of time is hereby requested to enter this amendment. If any other fees are associated with the entering and consideration of this amendment, please charge such fees to our Deposit Account 50-2882.

Applicant respectfully requests an interview with the Examiner to present more evidence of the unique attributes of the present invention in person. As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, Applicant respectfully requests issuance of a Notice of Allowance. If the undersigned attorney can assist in any matters regarding examination of this application, Examiner is encouraged to call at the number listed below.

Respectfully submitted,

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